

REMEDATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR
September 29, 2004

REMINDER - BROWNFIELDS STUDY GROUP MEETS SEPTEMBER 30

The Wisconsin Brownfields Study Group meets **tomorrow, September 30**, from 9:30 a.m. to 3:00 at the Pyle Center, 702 Langdon Street, Madison. The agenda will include: biennial budget and state agency updates, the proposed Wisconsin brownfields insurance program, local government issues, cleanup policy issues, and state and federal updates. For more information please contact Andrew Savagian at 608-261-6422.

PUBLIC COMMENT PERIOD FOR FEDERAL ALL APPROPRIATE INQUIRY RULE

The public comment period for EPA's "All Appropriate Inquiry" (AAI) rule runs until **October 25**, 2004. The rule proposes federal standards for the investigation of environmental conditions based on previous ownership and uses of a property. Following these new standards prior to purchase should provide certain liability protections under Superfund. This rule will be important to consultants (Phase I & II standards may be revised to conform to the rule), and to purchasers and lenders seeking Superfund liability protection as well as to applicants for EPA brownfield grants who need to avoid Superfund liability. Major impacts of the proposed rule include:

- a) Expanded coverage: residential rental units, and residential property owned by local governments would be covered, in addition to commercial real estate;
- b) Expanded objectives: conditions that indicate discharges or threatened discharges would be identified, in addition to currently recognized environmental conditions;
- c) Expanded records search: would require a search for engineering and institutional controls for the property and for those within a ½ mile radius, would also require a search of tribal and local government records, and would require a historical search that goes back as far as the first developed use of the property;
- d) Qualifications: would set new requirements for personnel qualified to conduct AAI;
- e) Interviews: if there is evidence of unauthorized property use or access, the AAI would need to include interviews with owners or neighbors;
- f) Timeliness: if a previous AAI report was completed more than 180 days before a property purchase certain elements would need to be updated, if more than a year before purchase, a new investigation would be required; and
- g) Reduced contaminants of concern: the rule would reduce the contaminants to those that are identified as CERCLA hazardous substances (except for the purposes of awarding EPA grants).

For more about the proposed rule, including how to comment, please see <http://www.epa.gov/swerosps/bf/regneg.htm>.

NEW ON THE WEB – TIPS FOR FEDERAL BROWNFIELD GRANT APPLICANTS

Those interested in applying for federal brownfield cleanup, assessment or revolving loan fund grants are reminded that EPA's deadline for postmarking applications is **November 12**, 2004. These grant applications require a letter of support from the state; requests for those letters should be received by DNR no later than November first. EPA's new and improved grant guidelines are on their web site at <http://www.epa.gov/brownfields/applicat.htm>. We've also posted new "Tips for Applicants" on the RR web site at http://dnr.wi.gov/org/aw/rr/financial/federal_brfllds.html, which includes instructions for obtaining the state letter.

ENVIRONMENTAL EDUCATION GRANTS

EPA has announced grants for projects to raise awareness about environmental issues, improve public skills in weighing various sides of issues, and teach skills to make informed decisions. Educational institutions, environmental and educational agencies, and non-profit organizations may apply. EPA has traditionally received about \$3 million annually for this program but funding depends on the federal budget for 2005. For more information, please see EPA's web site at <http://www.epa.gov/enviroed/grants.html>. Applications will be due **November 15, 2004**.

FEDERAL LOW INCOME GRANT ASSISTANCE

EPA is accepting proposals for training, research and technical assistance grants focusing on health and environmental conditions in low-income and socio-economically disadvantaged communities. The deadline for proposals is **November 16, 2004**. Applicants may be governmental and non-profit organizations and public and non-profit universities. EPA estimates that \$800,000 will be available for up to three grants. For more information please see: <http://www.epa.gov/brownfields/pg/pg0904.htm>.

NEW ON THE WEB – INDEX OF TOPICS

In order to help RR Program web users find the topics that they need, we've added a new index of topics. The index is on our main web page at <http://dnr.wi.gov/org/aw/rr/>.

GIS FEE PAYMENT REMINDERS

We are still having problems with receipt of the GIS fees needed to complete case closure for sites that will be included in the GIS Registry of Closed Remediation Sites. All properties where case closure is requested with groundwater contamination above enforcement standards must be included in the on-line Registry, as well as properties where soil contamination remains above the table values in Chapter NR 720 or approved site-specific levels. The fee for registering soil contamination is \$200, the fee for groundwater contamination is \$250, and both fees apply if contamination remains in both soil and groundwater at the time of case closure review. Please remember to do the following when paying GIS fees:

- make the check payable to "Wisconsin DNR",
- send the check to the RR Program Assistant for the appropriate DNR region http://dnr.wi.gov/org/aw/rr/technical/lists/contact_rr.htm#anchor106133,
- include the site name and the BRRTS identification number in the "memo" line of the check, and
- for checks sent to DNR for a case under Commerce jurisdiction, attach a copy of the first page of the Commerce closure form to the check.

GIS fees apply whether the site review is completed by DNR, the Department of Commerce, or the Department of Agriculture, Trade and Consumer Protection. The fees are always paid to DNR's Remediation and Redevelopment Program because DNR maintains the Registry. Confirmation of payment can be found in the Bureau for Remediation and Redevelopment Tracking System (BRRTS) at <http://dnr.wi.gov/org/aw/rr/brrts/index.htm>. Look in the table of "Actions Performed during this DNR Activity" for an action titled "Date Registry Fee Received." Thanks for helping us with the proper payment and tracking of GIS fees.

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